IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 58 OF 2005

American Spring & Pressing Works
Pvt.Ltd. .. Plaintiff

versus

Hansrajbhai D. Patel. Prop. of
Aspee Pump Industries .. Defendant

...

Mr.M.S. Rane i/b M/s.Purnanand & Co, for the plaintiff.

Mr.V.A. Bhagat for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 15th April 2005.

P.C.:

1. Heard the learned counsel for the plaintiff and defendant

2. The learned counsel for the defendant had submitted on the last occasion that the defendant was willing to suffer a decree in terms of paragraph

nos.25(a)and 25(b) of the plaint. The learned counsel was directed to file an affidavit of the defendant to that effect. Today, the learned counsel for the defendant hands in affidavit of defendant in which the defendant has agreed to suffer a decree of permanent injunction in terms of prayer clause 25(a) and 25(b) of the plaint. Learned counsel only prays that the decree in terms of prayer clause 25(b) be made operative after the expiry of period of two weeks from today. The learned counsel for the plaintiff has no objection to this and in view of the affidavit of the defendant, the learned counsel for the plaintiff does not press for any other relief.

3. In the circumstances, on admission of the defendant, the decree is passed in terms of prayer clause (a) and (b) in paragraph no.25 of the plaint. The injunction contained in paragraph no.25(b) would become operative after the expiry of the period of two weeks from today.

D.G. KARNIK, J